

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Nomo Agroindustrial SA DE CV,)	No. CV 05-351-TUC-FRZ
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Enza Zaden North America, Inc., et al.,)	
)	
Defendants.)	

Pending before the Court is Defendant Enza's motion to reconsider the Court's Order addressing the motions for summary judgment. Defendant's motion is simply a rehash of the arguments already considered and rejected by the Court. Plaintiff was not required to respond. *See* LRCiv 7.2(g).

I. Discussion

A motion to reconsider must provide a valid ground for reconsideration by showing two things. First, it must demonstrate some valid reason why the Court should reconsider its prior decision. Second, it must set forth facts or law of a strongly convincing nature to induce the Court to reverse its prior decision.

Courts have advanced three major grounds justifying reconsideration: (1) an intervening change in the controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice.

Bahrs v. Hughes Aircraft Co., 795 F. Supp. 965, 967 (D. Ariz. 1992); *see also* *Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995)(a motion for reconsideration should not be used to ask a court to "rethink what the court had already thought through-

1 rightly or wrongly."); *Refrigeration Sales Co. v. Mitchell-Jackson, Inc.*, 605 F.Supp. 6, 7
2 (N.D.Ill. 1983)(arguments that a court was in error on the issues it considered should be
3 directed to the court of appeals).


4 Having reviewed the motion to reconsider and the record in this case, the Court finds no
5 basis to depart from its original decision.

6 Accordingly, IT IS HEREBY ORDERED as follows:

7 (1) Defendant's motion for reconsideration is **denied**.¹

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9 DATED this 9th day of April, 2007.

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FRANK R. ZAPATA
United States District Judge

¹As summary judgment has been denied, this case is going to trial absent a settlement. As the motion in limine deadline is now looming, the Court cautions the parties that motions in limine are meant to deal with discrete evidentiary issues related to trial, and are not another excuse to file dispositive motions disguised as motions in limine.